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READERS' GUIDE
EXPLAINING PROPOSED AMENDMENTS
TO THE
CONSTITUTION
OF THE
STATE OF NEW HAMPSHIRE
November 7, 1978

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RSA 59:12 requires that all questions relating to constitutional amendments shall include the vote of the General Court or the Constitutional Convention when recorded. Questions 4 through 7 were passed by voice vote.

"Every voter who wishes to vote "Yes" will make a cross in the square near the word "Yes"; if he wishes to vote "No" he will make a cross in the square near the word "No". If he makes no cross in either square, his ballot will not be counted as to such question."

(Question proposed by the 1975 General Court)

1. Are you in favor of amending the Constitution to provide that all persons have the right to keep and bear arms in defense of themselves, their families, their property and the state but authorizing the legislature to prescribe the manner in which they may be borne and to prohibit convicted felons from carrying or possessing them?

Yes ☐

No ☐

(This constitutional amendment was passed by the New Hampshire House of Representatives, 267 Yes votes to 70 No votes, and was passed by the New Hampshire State Senate, 24 Yes votes to 0 No votes.)

(Question proposed by the 1977 General Court)

2. Are you in favor of amending the Constitution to provide for annual sessions of the legislature and to allow mileage payments for actual attendance for a maximum of 90 legislative days per biennium?

Yes ☐

No ☐

(This constitutional amendment was passed by the New Hampshire House of Representatives, 311 Yes votes to 51 No votes, and was passed by the New Hampshire State Senate, 16 Yes votes to 4 No votes.)

3. Are you in favor of amending the Constitution to provide a town, ward, or unincorporated place may be divided into two or more representative or senatorial districts if requested by a referendum in such town, ward or place?

Yes ☐

No ☐

(This constitutional amendment was passed by the New Hampshire House of Representatives, 267 Yes votes to 16 No votes, and was passed by the New Hampshire State Senate, 18 Yes votes to 0 No votes.)

(Questions Relating to Constitutional Amendments Proposed by the Convention to Revise the Constitution.)

4. Are you in favor of amending the Constitution to provide that the chief justice of the supreme court shall be the administrative head of the state courts, and that he shall, with the concurrence of a majority of the supreme court justices, make rules governing procedure in the courts?

Yes ☐

No ☐

5. Are you in favor of amending the Constitution to allow the court to direct the trial of a defendant, at the defendant's request, to a county or judicial district in which a fair and impartial trial can be obtained when the court finds a fair and impartial trial cannot be obtained in the county or judicial district where the crime has been committed?

Yes ☐

No ☐

6. Are you in favor of amending the Constitution to provide that the salaries of superior and supreme court judges shall not be diminished during their terms of office?

Yes ☐

No ☐

7. Are you in favor of amending the Constitution to reduce the residency requirement for the office of state senator and governor's councilor from seven years to four years?

Yes ☐

No ☐

TO THE VOTERS OF NEW HAMPSHIRE:

At the November 7, 1978 election you will receive a separate non-partisan ballot with seven questions for your consideration. Each question refers to a proposed amendment to the New Hampshire Constitution. If *two-thirds* of the people who vote on any given question vote YES then the Constitution will be amended as indicated in the question.

The first three questions have been proposed by the 1975 and 1977 New Hampshire Legislatures, which have authority to consider and recommend changes in your Constitution. The next four questions have been proposed by the 1974 New Hampshire Constitutional Convention, a body of delegates elected every ten years to consider and recommend changes in the New Hampshire Constitution.

This Voters' Guide was prepared by a committee of the Constitutional Convention, as authorized by the Convention, and by the Office of Legislative Services, with the approval and assistance of the legislative leadership.

The Guide includes each question exactly as it will appear on the ballot, and explains the effect of each proposed amendment.

As you will see, the issues are important and deserve your study and your vote.

**YOU MAY TAKE THIS
GUIDE WITH YOU
TO THE POLLS.**

PLEASE REMEMBER

- that these questions are non-partisan — they are not related to any candidate or party
- that two-thirds of those who vote on each question must vote YES in order to amend the New Hampshire Constitution
- that the questions are on the ballot because your elected representatives thought the issues were important enough to require your consideration
- that each question merits your thought and your vote

QUESTION NO. 1

BEARING ARMS

QUESTION:

1. Are you in favor of amending the Constitution to provide that all persons have the right to keep and bear arms in defense of themselves, their families, their property and the state but authorizing the legislature to prescribe the manner in which they may be borne and to prohibit convicted felons from carrying or possessing them?

Yes ☐

No ☐

AT THE PRESENT TIME:

The Constitution provides that all persons have certain and inherent rights which include the enjoyment and defense of life and liberty and the acquisition, possession and protection of property. The United States Constitution gives citizens the right to bear arms; there is no similar provision in the New Hampshire Constitution covering this matter. The Legislature now makes laws regulating the use of firearms based on its general powers.

IF THE AMENDMENT IS ADOPTED:

The right of citizens of New Hampshire to keep and bear arms will be expressly recognized in the state constitution. The Legislature will continue to be able to make reasonable laws governing the manner in which they may be borne.

This constitutional amendment was passed by the New Hampshire House of Representatives, 267 Yes votes to 70 No votes, and was passed by the New Hampshire State Senate, 24 Yes votes to 0 No votes.

QUESTION NO. 2

LEGISLATIVE SESSIONS

QUESTION:

2. Are you in favor of amending the Constitution to provide for annual sessions of the legislature and to allow mileage payments for actual attendance for a maximum of 90 legislative days per biennium?

Yes ☐

No ☐

AT THE PRESENT TIME:

The Legislature meets in regular session once every two years. The Constitution does not put a limit on the length of the regular session; but it does not allow legislators to be paid travel expenses after the first 90 days of the regular session (or after July 1st of the first year of the two-year "biennium").

Despite these restrictions, the Legislature can be called into special session and be paid for fifteen additional days. There has been at least one special session in each biennium since 1969.

IF THE AMENDMENT IS ADOPTED:

Legislators would still be elected for a two-year period; and they could still be paid travel expenses for no more than 90 days' attendance in regular session during each two-year biennium. However, by eliminating the July 1st mileage deadline, the Constitutional amendment would permit the Legislature to schedule the 90 days available in whatever way was necessary for the business of the State.

There would be no change in the Legislature's ability to meet in special session. The need for special sessions, and the cost involved, could, however, be reduced.

This constitutional amendment was passed by the New Hampshire House of Representatives 311 Yes votes to 51 No votes, and was passed by the New Hampshire State Senate, 16 Yes votes to 4 No votes.

QUESTION NO. 3

LEGISLATIVE
DISTRICTING

QUESTION:

3. Are you in favor of amending the Constitution to provide that a town, ward, or unincorporated place may be divided into two or more representative or senatorial districts if requested by a referendum in such town, ward or place?

Yes ☐

No ☐

AT THE PRESENT TIME:

Voters in some towns or city wards must elect many representatives-at-large, because the constitution does not permit a town, ward or unincorporated place to be divided into two or more smaller legislative districts. One town, for example, elects 11 representatives-at-large. The inability to divide large towns or city wards into smaller legislative districts also makes it difficult to apportion the 24-member senate equally.

IF THE AMENDMENT IS ADOPTED:

The Constitution will permit a town, city ward, or place, by vote, to request the Legislature to reapportion it into two or more smaller election districts.

This constitutional amendment was passed by the New Hampshire House of Representatives 267 Yes votes to 16 No votes, and was passed by the New Hampshire State Senate, 19 Yes votes to 0 No votes.

QUESTION NO. 4

COURT
ADMINISTRATION

QUESTION:

4. Are you in favor of amending the Constitution to provide that the chief justice of the supreme court shall be the administrative head of the state courts, and that he shall, with the concurrence of a majority of the supreme court justices, make rules governing procedure in the courts?

Yes ☐

No ☐

AT THE PRESENT TIME:

The Constitution and the statutes vest the judicial power of the State in the supreme court and provide that the supreme court shall have general supervisory power over all courts within the judicial branch of government. Unlike the executive branch, where the governor is clearly the chief executive officer, it has been assumed but not expressly provided that the chief justice of the supreme court is the administrative head of the third branch of the government.

IF THE AMENDMENT IS ADOPTED:

The chief justice of the supreme court shall be the administrative head of all the courts but not be able to make rules to improve the efficiency and administration of the courts unless the majority of the supreme court approves such rules. This amendment would make it clear that there is a unified court system in this State and that someone should be responsible for its efficiency and impartial administration of justice.

This constitutional amendment was passed by the Constitutional Convention by voice vote.

QUESTION NO. 5

LOCATION
OF TRIALS

QUESTION:

5. Are you in favor of amending the Constitution to allow the court to direct the trial of a defendant, at the defendant's request, to a county or judicial district in which a fair and impartial trial can be obtained when the court finds a fair and impartial trial cannot be obtained in the county or judicial district where the crime has been committed?

Yes ☐

No ☐

AT THE PRESENT TIME:

The Constitution requires the trial of each criminal case to be conducted in the vicinity of where it happened; as a consequence, it requires criminal trials to be conducted in the county in which the crime or offense is committed, except in cases of general insurrection. Despite this provision of the Constitution, State and Federal judicial decisions have required transfers to other counties when a fair trial could not be obtained otherwise.

IF THE AMENDMENT IS ADOPTED:

The Constitution would not be in conflict with court decisions that have allowed trials to be transferred from one county to another, at a defendant's request, to obtain a fair and impartial trial.

This constitutional amendment was passed by the Constitutional Convention by voice vote.

QUESTION NO. 6

JUDGES' SALARIES

QUESTION:

6. Are you in favor of amending the Constitution to provide that the salaries of superior and supreme court judges shall not be diminished during their terms of office?

Yes ☐

No ☐

AT THE PRESENT TIME:

The Constitution protects the rights of every citizen to be tried by judges as impartial as may be possible so as to protect the rights of the citizens of this State to insure a fair and impartial trial. The Constitution presently provides that judges are to have salaries established by standing laws. The New Hampshire Constitution does not address the question of reducing judges' salaries during their terms of services.

IF THE AMENDMENT IS ADOPTED:

The current constitutional provision would be amended by adding a requirement that judicial salaries not be diminished during the term of office of a judge. This would protect the citizens of the State from any attempt to remove judges by reducing their salaries, but would not in any way change the power of the Legislature to impeach judges for cause. The Federal Constitution for almost two hundred years has contained identical language.

This constitutional amendment was passed by the Constitutional Convention by voice vote.

QUESTION NO. 7

RESIDENCY REQUIREMENTS

QUESTION:

7. Are you in favor of amending the Constitution to reduce the residency requirement for the office of state senator and governor's councilor from seven years to four years?

Yes ☐

No ☐

AT THE PRESENT TIME:

The Constitution does not allow anyone who has resided in New Hampshire for less than seven years to be elected as state senator or governor's councilor. By contrast, a person who has resided in this state for only two years may serve in the House of Representatives.

IF THE AMENDMENT IS ADOPTED:

A person will have to reside in New Hampshire for four years before being eligible to serve as state senator or governor's councilor.

This constitutional amendment was passed by the Constitutional Convention by voice vote.

This Voters' Guide was prepared and distributed by the Voters' Guide Committee of the 16th Constitutional Convention, and the Office of Legislative Services.

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